



EFFECTIVE DATE: May 15, 2018

DATE ISSUED: May 15, 2018

SUBJECT: Accommodation of Clients with Disabilities

I. Purpose

This order is adopted for the purpose of reaffirming the Department's commitment to inclusivity and reasonable accommodation in the provision of services and conduct of official business, and to satisfy the requirements of the Americans with Disabilities Acts of and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

The Department is committed to providing reasonable accommodations to ensure that persons with disabilities are able to receive services, participate in programs, and engage in all investigatory and evaluative processes undertaken by the Department and any of its divisions.

II. Definitions

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

"Agency" means the New Jersey Department of Children and Families.

"Designated decision maker" means the Commissioner of Children and Families or his or her designee.

"Disability" means a physical or mental impairment that substantially limits one or more of an individual's major life activities.

"Reasonable Accommodation" means an adjustment or alteration to the physical environment or in the manner in which tasks are performed or auxiliary aids and services that will enable a qualified individual with a disability to receive services, engage in a program or participate unhindered in evaluative or investigatory processes.

III. Policy

A) ADA Title II Coordinator

There is hereby appointed, in the Office of the Deputy Commissioner, an ADA Title II Coordinator with responsibility for overseeing the Department's compliance with Title II of the ADA, for investigating grievances or complaints of any action prohibited by the ADA or regulations promulgated thereto, and for otherwise ensuring that the Department conforms to the expectation and requirement of providing reasonable accommodations to clients

All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

All grievances alleging that the agency has failed to comply with, or has acted in a way that is prohibited by the ADA, should be directed to the designated ADA coordinator.

The Department shall adopt Department-wide policy that reflects the directives of this Administrative Order no less than six (6) months from execution.

B) Required ADA Notice

In addition to any other advice, assistance, or accommodation provided, a copy of the notice included here as [Attachment 1](#), shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

C) Grievances

A grievance alleging that the agency has failed to comply with the ADA, or has acted in a way that is prohibited by the ADA, shall be submitted either in writing or orally to the designated ADA coordinator within 30 days of the grievant becoming aware of the alleged violation.

A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator.

An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency's designated ADA Coordinator.

In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

D) Preservation of Rights

This order shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the agency complies with the ADA and implementing Federal rules.

E) Training

All DCF staff are hereby required to receive annual training on the ADA and the reasonable accommodation of persons with disabilities. To accommodate curriculum development and coordination of training, initial satisfaction of this requirement is mandated no later than [18 months from date of execution].

F) Regulations

The Department shall promulgate regulations, which codify the Department's commitment to inclusivity and reasonable accommodation in the provision of services and conduct of official business, and to satisfy the requirements of the Americans with Disabilities Acts of and regulations promulgated pursuant thereto, 28 C.F.R. 35.107 no later than one (1) year from the date of execution.

A handwritten signature in cursive script that reads "Christine Beyer".

Christine Norbut Beyer
Commissioner-Designate